IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19782 of 2007(E)

PETITIONER:

A.R.MOHAMMED HAMEED, PROPRIETOR,
M/S.AR GROUP ENTERPRISES, XI/276C, I.D.PLOT,
VADACKAL, ALAPPUZHA 03.

BY ADV. SRI.C.V.MANUVILSAN
SRI.G.SUDHEER (THURAVOOR)
SRI.P.C.ANIL KUMAR

RESPONDENTS:

---

1. STATE BANK OF TRAVANCORE REPRESENTED
BY ITS MANAGING DIRECTOR, HEAD OFFICE,
POOJAPPURA, THIRUVANANTHAPURAM 12.

2. DEPUTY GENERAL MANAGER, ZONAL OFFICE
OF SBT, PANAMPILLY NAGAR, ERNAKULAM.

3. THE CHIEF MANAGER, STATE BANK OF
TRAVANCORE, VAZHICHERRY BRANCH, ALAPPUZHA.

BY SRI.M.PATHROSE MATHAI (SR)-SC
SRI.SAJI VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.19782 of 2007-E

Dated this the 28th day of June, 2007.

J U D G M E N T

The petitioner is aggrieved by the steps taken by the respondents under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. According to the petitioner, ignoring the promise given in Ext.P5, the bank has issued Ext.P7 notice under Section 13 (2) of the above-said Act. The petitioner has filed Ext.P8 reply. Apprehending that, without considering his reply, the bank may proceed under Section 13 (4), this writ petition is filed.

2. The learned Standing Counsel for the bank submitted that further proceedings for recovering the amount were taken on account of the failure of the petitioner to pay the interest as stipulated in Ext.P5. It is also submitted that only after passing a speaking order under Section 13A, further action will be taken. So, the apprehension of the petitioner is unfounded. The learned counsel for the petitioner submitted that the petitioner is willing to close the loan account. Hence, steps are being taken. I find no reason to think that the bank will not co-operate with the petitioner, to take steps, to close the loan account. At present, this writ petition is premature. Accordingly, it is closed without prejudice to the contentions of

the petitioner.

K.BALAKRISHNAN NAIR,
JUDGE.

MS